Public Notice

US Army Corps of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200250461
Date: July 18, 2005
Comments Due: August 17, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) and Utah Division of Water Quality are evaluating a permit application from Utah Transit Authority to construct the Weber County to Salt Lake County Commuter Rail project, which would result in impacts to approximately 13.87 acres of wetlands, waters of the United States. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at http://www.spk.usace.army.mil/regulatory.html.

The Station Park Transit Oriented Development is a related project which will be constructed at the Farmington Commuter Rail Station, and is described in a separate public notice 200450469.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and Section 401 for water quality certification.

APPLICANT: Utah Transit Authority
W. Steven Meyer, Manager, Engineering and Construction, Commuter Rail
3600 South 700 West
P.O. Box 30810
Salt Lake City, Utah 84130-0810
801-287-2538

LOCATION: The project consists of construction of 44-miles of new track between Salt Lake City Intermodal Hub ~600 West 200 South, and ending just north of 2700 North in Pleasant View with 9 stations in Salt Lake City, Woods Cross, Farmington, Layton, Clearfield, Roy, Ogden and Pleasant View. The alignment is generally parallel and adjacent to the UPRR tracks. See Figure 1.

PROJECT DESCRIPTION: The overall project purpose is to provide safe and efficient movement of people and goods within the project corridor to the year 2030 by providing efficient, high-capacity transit service. The project is a part of a "shared solution" that includes Legacy Parkway and the widening of I-15, and helps satisfy the need for added peak period travel capacity, greater transportation choices and transportation-related incentives for compact land use development. The project includes nine new stations with park and ride lots. The North Temple Station is a deferred station to be constructed in the future when the planned TRAX extension would be constructed to serve the Salt Lake International Airport.

The Utah Transit Authority prepared for Federal Transit Administration (FTA) an evaluation of the project impacts, *Weber County to Salt Lake County Commuter Rail Project Final Environmental Impact Statement and 4(f) Evaluation* (FEIS) (June 2005), in accordance with the National Environmental Policy Act. The FTA used the document as the basis for their June 2005 decision to approve funding for a portion of the project. The document contains detailed description of the project, and is used as reference

in this public notice. The document can be viewed at public libraries and at the UTA website: http://www.rideuta.com/calendarAndNews/commuterRail/publications

AREA DESCRIPTION: The southern quarter of the project corridor is heavily urbanized and extensively developed with a variety of industries. The corridor extends through west downtown Salt Lake City and travels north through the Phillips and Chevron refineries in North Salt Lake and Woods Cross. Approximately 1.5-miles north of Parrish Lane in Bountiful the area west of the corridor is less developed and more rural in character, whereas, the area east of the corridor contains new residential developments. From the newly constructed Burke Lane overpass in Farmington north to Ogden, the corridor passes through areas of mixed residential and industrial land use. The corridor heads east at Ogden near the 31st Street interchange of I-15. After crossing the Weber River, the corridor turns north through Union Pacific's Ogden Rail Yard. From Ogden to the end of the proposed project at the Weber/Box Elder County Line, the corridor passes through industrial to rural residential and agricultural land use.

PROJECT IMPACTS: The project will impact 49 separate wetlands for a total of 13.87 acres, including impacts at the proposed Farmington and Pleasant View Stations. (See Figures 2 & 3.) Maps showing wetland impacts along the alignment can be viewed at the UTA website under "Wetlands Maps from EIS March 2005" : http://www.rideuta.com/calendarAndNews/commuterRail/publications Typical cross sections of the proposed track, showing existing UP track and wetlands to be impacted are shown on Figures 7, 8, 9 & 10.

The vast majority of the wetlands impacted are the low spots created as a result of the construction of the UP track structure and its accompanying right of way drainage ditches. They are of moderate value, containing a mixture of both non-native and native plant. The wetland is the result of a combination of natural and man-made causes and is greater than 0.1 acre in size. The wetland provides some water storage and filtering capacity, and suitable habitat for a few wildlife species.

The project corridor contains 17.91 acres of emergent marsh, 4.80 acres of scrub-shrub wetlands, and 8.71 acres of wet meadow. By vegetation type, the project will impact 8.97 acres of emergent marsh, 3 acres of scrub-shrub and 1.90 acres of wet meadow. The majority of plant species dominating the emergent marshes are bulrushes (Scirpus validus and Scirpus maritimus), cattail (Typha latifolia), common reed (Phragmites australis) reed canary grass (Phalaris Arundinacae) sedges (Carex nebraskensis and Carex species), swordleaf rush (Juncus ensifolius) and common spikerush (Eleocharis palustris). Emergent marshes with areas of open surface water also have common duckweed (Lemna minor), and watercress (Nasturtium officinalis). Scrub-shrub wetlands communities are dominated by willow species (Salix exigua and Salix species), Russian olive (Eleaganus augustifolia), box elder (Acer negundo), and hawthorne (Crataegus douglasii). These shrubs are less than 20 feet tall and have understory vegetation that includes those species found in the emergent wetlands. The wet meadow communities are dominated by horsetail species (Equisetum arvense and Equisetum hyemale), Nebraska sedge (Carex nebraskensis), Baltic rush (Juncus balticus), inland saltgrass (Distichlis spicatus), fescue species (Festuca arundinacae and Festuca rubra), reed canary grass (Phalaris Arundinacae), blue-joint (Calamagrostis canadensis) and Canada bluegrass (Poa compressa). Some of the wet meadows also contained populations of white top (Cardaria draba), which is listed as a noxious weed in Utah.

12 perennial creeks will be crossed, Cold Water, Fourmile, Mill, Kays, North Fork, Holmes, Bair, Haight, Farmington and two unnamed creeks. Existing Culverts and bridge structures will be extended, primarily upstream or east of the rail alignment, to accommodate fill required for the new rail. All structures will either be extended or replaced with equivalent structures to convey existing flows.

ALTERNATIVES: The D&RGW alignment could have less wetlands impacts, but was not considered as a reasonable alternative for many reasons including high cost, lack of system connectivity, poor ridership potential, safety concerns, high potential for impacts, and low municipal and community support. These factors are described in further detail in the FEIS. With regard to cost, in summary, using the D&RGW would be cost prohibitive due to the necessity to construct grade separated crossings to

cross rail and roadways as well as to purchase additional right of way. At least 13 crossings that may well warrant grade separations at a cost of $8-10 million for each structure. Additionally, connecting the Salt Lake and Ogden Intermodal Centers at the north and south ends of the project to a D&RGW alignment would require structures of considerable length and cost (approximately $15 million), because UPRR will not allow an at-grade crossing over their mainline tracks. Also, limited space exists north of Salt Lake City making such a grade separation difficult because of the proximity of I-15 and the petroleum refineries.

Also described in the FEIS are other transit options evaluated by FTA but eliminated from further study, including Heavy Rail, Monorail, Automated Guideway Transit, Personal Rapid Transit, Light Rail Transit, Bus/high-occupancy vehicle lanes, and Bus Rapid Transit. See the FEIS for a more detailed discussion.

MINIMIZATION: The planning process evaluated station locations and design while considering the location of wetland areas. (See FEIS, Chapter 2 for detailed descriptions.) Wetland impacts were avoided at all but two of the nine station locations. At the Farmington station, the track alignment and platform were designed to reduce impact to wetlands as much as possible. However, the railroad right of way is quite constrained in this area because it is between the west right of way line of I-15 and Park Lane on the south side and on the west side of the UPRR mainline tracks. At the Pleasant View station, the design was able to avoid impacts to two wetlands.

MITIGATION: UTA is proposing to use Diversified Habitat's Bailey's Meadow Wetland Mitigation Bank for the mitigation of wetlands located in the railroad corridor. The bank is located along the south shore of the Great Salt Lake in Salt Lake County. The bank's Enabling Instrument was signed September 1999 and amended on February 2005. In accordance with the Bank Enabling Instrument, in order for a project to use the bank, the project impacts must occur within the Bank Service area and be similar in wetland types and functions as those available through the Bank. Most of the Project impacts occur within the bank's service area (Davis County below 4300 feet MSL, Figure 5), however, 1.23 acres of project impacts occur in Weber County. The project will impact emergent marsh, scrub shrub and wet meadow wetland types. The Bailey's Meadow Wetland Mitigation Bank is composed of emergent marsh and wet meadow wetlands.

ADDITIONAL INFORMATION:

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Utah Division of Water Quality, is required for this project. The Utah Division of Water Quality intends to issue certification, provided that the proposed work will not violate applicable water quality standards. Projects are usually certified where the project may create diffuse sources (nonpoint sources) of wastes which will occur only during the actual construction activity and where best management practices will be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Mr. William O. Moellmer, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, on or before August 17, 2005.

HISTORIC PROPERTIES: The FTA is the lead agency for coordination and compliance with the State Historic Preservation Officer under Section 106 of the National Preservation Act. FTA has completed Section 106 consultation and has executed a memorandum of agreement with SHPO and UTA to ensure mitigation measures are carried out for all adversely effected historic properties.

ENDANGERED SPECIES: FTA is the lead agency for coordination and compliance with Section 7 of the Endangered Species Act. USFWS concurred with FTA's determination that the project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species. (See USFWS letter dated July 23, 2003, Appendix C of the FEIS.)

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200250461, must be submitted to the office listed below on or before August 17, 2005:

Nancy Kang, Project Manager
US Army Corps of Engineers, Sacramento District
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744
Email: Nancy.Kang@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Nancy Kang, 801-295-8380, extension 14, Nancy.Kang@usace.army.mil.

Attachments: Figures 1-3, 5, 7-10
(No Figures 4 or 6)